In the High Court of Judicature for Rajasthan
Jaipur Bench
**

Cr. Msc. Petition No.2165/2007
Bhupendra @ Prakash ***Versus***
State & Shri Jagdish Singh

Date of Order ::: 10/12/07

Hon'ble Mr. Justice Ajay Rastogi

Mr. Himmat Singh, for petitioner

Instant petition U/s 482, CrPC has been filed for quashing of FIR-276/07 registered at PS Khetri (Jhunjhunu) for offences U/Ss 420 & 406, IPC, against petitioner.

A written report was lodged by complainant alleging inter-alia that one Lal Chand alongwith present petitioner came to his house and offered that if he intends to get B.Ed degree for her wife, it can be arranged subject to payment of Rs. 85,000/- and upon assurances, Rs.50,000/- was paid by complainant and receipt is duly signed by present petitioner, as well and it was told that his wife has been admitted for academic session 2006-07 in Janhit B.Ed. College, Greater Noida and was called upon to pay balance amount of Rs.35000/-, on which complainant went to inquire about admission of his wife at this stage, it came to his notice that no such admission has ever been made, on which he initially filed complaint but on assurances given to him by accused Lal Chand for

making payment of Rs.50,000/- alongwith her testimonials and accordingly he did not press the complaint and since neither payment nor documents were returned, he filed written report on which instant FIR was registered.

Counsel for petitioner submits that initially when written complaint was filed, there was no allegation levelled against petitioner that he was ever associated with co-accused Lal Chand while they had approached at their residence – which is an improvement at the behest of complainant made in instant FIR and this is sufficient to warrant interference by this Court because of it being nothing but abuse of process; if investigation is allowed to continue. This Court has gone through the contents of the FIR impugned which satisfies that prima facie material is available on record for commission of offence alleged and it does not consider call for interference at this stage U/s 482, CrPC.

Consequently, misc. petition fails and is hereby dismissed. However, petitioner will be at liberty to raise objections available under law at appropriate stage during trial.

(**Ajay Rastogi), J.**